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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,657	10/16/2000	Fabien Thiriet	00562/TL	2712

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EXAMINER
NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/622,657	THIRIET, FABIEN	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of Amendment filed 22 September 2003.

Claim Objections

2. Claim 1 is objected to because of the following informalities:
 - Claim 1, line 13: Delete "and" at the end of line.
 - Claim 1, line 14: Substitute "." (at the end of line) with "; and".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Drupsteen (US 5,856,659).

Drupsteen teaches method for loading computer programs into a memory of a portable memory object (i.e., smart card or IC card 1; see fig. 1) having a contactless operating mode, particularly a chip card, from one or more transmitting devices (i.e., terminal; col. 1, lines 30-49) EM1, ..., EMj, ..., EMp, p being a whole number, characterized in that the method includes the following steps in which:

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the computer program is divided into n blocks BLK1, ..., BLK i , ..., BLK n (i.e., DATA1, DATA2, ..., DATA[N]; col. 3, lines 16-47; col. 4, lines 22-31), n being a whole number greater than 1;

a piece of information $I(n)$ indicating the number n of blocks (i.e., DATA1, DATA2, ..., DATA[N]; col. 3, lines 16-47; col. 4, lines 22-31) to be loaded is transmitted to the portable object (col. 3, lines 16-47; col. 4, lines 22-31);

the blocks BLK1, ..., BLK i , ..., BLK n are loaded without contact into a memory of the portable object (col. 3, line 16 through col. 4, line 31);

the loading of the blocks BLK1, ..., BLK i , ..., BLK n is interrupted during the loading of a block BLK i (i.e., errors occur during transmission; col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4);

the loading of the blocks is resumed with the block BLK i (i.e., the last sequence number S and/or the counter T can be used to resume the processing at the correct command when the series of commands is retransmitted; col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4); and

each block BLK i loaded is counted in the portable object (col. 5, lines 17-47).

Drupsteen teaches a "Flag" to indicate the nature of the transferred data (commands or other data) and their destination (memory or instruction register). The direct execution of transferred card commands provides an effective way of loading data onto a card, or of changing and/or creating data structures on a card (col. 5, lines 42-47), in which Drupsteen utilizes the "flag" to indicate the loading states (i.e., FLG = Y or N) of the portable object as claimed in this instant claimed invention and to further verify if the portable object (chip card) has been loaded with desired data. Furthermore, Drupsteen teaches the "flag" to indicate the data's transferred

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destination (i.e., the memory on the chip card), which indicates the loading status of the chip card (i.e., to verify if the card is loaded/transferred with desired data into the memory before loading/transferring new data to the chip card).

Re claim 3: Drupsteen teaches prior to the resumption of the data retransmitting process, the system checks/verifies for erred/interrupted data transmission (DATA1, DATA2, ..., DATA[N], which serves as block of data) sequence number S and/or the counter T, so that the system will resume the process of retransmitting using the last sequence number S and/or the counter T (col. 2, lines 43-50; col. 5, line 56 through col. 6, line 4), which serves as the loading or nonloading state of the portable object is verified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN
18 November 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800